

REMARKS

Applicant respectfully requests consideration of the subject application as amended herein. This Amendment is submitted in response to the Final Office Action mailed on May 26, 2005. Claims 1-3, 6-16, 24, 25 and 28 are rejected. In this amendment, the pending claims have not been amended.

The Examiner rejected claims 1-3, 6-8, 24, 25 and 28 under 35 U.S.C. § 102(e) as being anticipated by Ferguson, (U.S. Patent Application No. 2002/0178232, hereinafter "Ferguson"). Claims 9-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ferguson, in view of Tso, et al., (U.S. Patent No. 6,421,733, hereinafter "Tso"). As discussed below, the pending claims are patentable over the above references.

Ferguson discloses a method of background downloading of information from a computer network. According to Ferguson, a user can dynamically select hyperlinks from a web page displayed in the window of a browser by "dragging-&-dropping" them with a pointing device such as a mouse. This procedure allows for the real time background downloading of web pages which the user designates as the next web pages he desires to view while he is viewing other content.

Contrary to the presently claimed invention, Ferguson does not teach or suggest displaying a set of one or more selectable data exchange modes in the vicinity of a cursor upon detecting that a user has pressed a button of a cursor control device while the cursor is inside a selectable area associated with a file reference. In Ferguson, a web page displayed to a user contains one or more links, each of which is associated with a different web page. A link is at most an equivalent of a selectable area associated with a file reference but not a data

exchange mode, as suggested by the Examiner. The user can click and hold the left mouse button on the link he wishes to view in the future (page 14, paragraph 166). However, Ferguson does not teach or suggest displaying a set of selectable data exchange modes in the vicinity of the cursor upon detecting the above action of the user, as does the presently claimed invention. While Ferguson displays an interface (referred to as “Invention Interface 404”) that floats above the window of the browser, this interface is displayed before the user clicks and holds the left mouse button on the link (page 14, paragraph 166). In fact, Ferguson discloses that the user must click on the icon of the program or on the icon of the browser in order to display Invention Interface 404 before positioning the cursor over the selected link and pressing the left mouse button (page 13, paragraph 165).

Thus, Ferguson does not teach or suggest displaying a set of one or more selectable data exchange modes in the vicinity of a cursor upon detecting that a user has pressed a button of a cursor control device while the cursor is inside a selectable area associated with a file reference, as claimed in the present invention.

Next, Ferguson does not teach or suggest detecting that a user has moved the cursor over a data exchange mode selected by the user from a set of selectable data exchange modes without releasing the button of the cursor control device, as claimed in the present invention. Ferguson describes performing a “drag-&-drop” operation on the link to the Invention Interface 404. However, this link is an equivalent of a user-selectable area associated with a file reference, and the Invention Interface is a window containing a list of selected links but not a set of data exchange modes, as claimed in the present invention.

Further, Ferguson does not teach or suggest canceling the display of selectable data exchange modes upon detecting that the user has released the button of the cursor control

device while keeping the cursor over a selected data exchange mode, as claimed in the present invention. In Ferguson, the display of the link continues after the link is dragged on to the Invention Interface 404. However, as discussed above, this link is not an equivalent of a data exchange mode as suggested by the Examiner. As to the Invention Interface 404, it is canceled using a "Close" button (top right corner of the Invention Interface window on Figs. 13, 15 and 16). In fact, rather than canceling the display of the Invention Interface 404 upon detecting that the user has released the button of the cursor control device, Ferguson teaches continuing to display the Invention Interface 404 to present advertisements when the user does not interact with the Invention Interface 404 (page 8, paragraph 116).

Accordingly, Ferguson does not teach or suggest at least the features of the present invention that are included in the following language of claim 1:

- ... displaying a set of one or more selectable data exchange modes in the vicinity of a cursor upon detecting that a user has pressed a button of a cursor control device while the cursor is inside a selectable area associated with a file reference;
- detecting that the user has moved the cursor over a data exchange mode selected by the user from the set without releasing the button of the cursor control device;
- canceling the display of the set upon detecting that the user has released the button of the cursor control device while keeping the cursor over the selected data exchange mode....

Similar language is also included in claims 24 and 28. Thus, the present invention as claimed in claims 1, 24 and 28, and their corresponding dependent claims, is not anticipated by Ferguson.

Tso does not help Ferguson to render the presently claimed invention unpatentable. Tso discloses a system for transcoding data transmitted between computers. The system provides for invocation of transcoding service providers based upon a predetermined selection criterion. A selection criterion may be changed by accessing a pop-up window that includes a hypertext link that may be selected by the user to download specialized client

software, and a three-state switch having "ON," "OFF" and "AUTO" settings.

Contrary to the presently claimed invention, Tso does not teach or suggest displaying a set of one or more selectable data exchange modes in the vicinity of the cursor upon detecting that a user has pressed a button of the cursor control device, detecting that the user has moved the cursor over a selected data exchange mode without releasing the button of the cursor control device, and canceling the display of the data exchange modes upon detecting that the user has released the button of the cursor control device while keeping the cursor over the selected data exchange mode. Thus, Tso does not teach or suggest the features of the presently claimed invention that are missing from Ferguson. Accordingly, the present invention as claimed in claims 1, 24 and 28, and their corresponding claims, is patentable over the above references.

Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §§ 102(e) and 103(a) and submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.


Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Marina Portnova at (408) 720-8300.

Respectfully submitted,

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